

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2004 JUN -7 A 11:27
U.S. DISTRICT COURT
DISTRICT OF MASS.

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

DIRECT MARKETING CONCEPTS, INC.,
d/b/a TODAY'S HEALTH and
DIRECT FULFILLMENT, et al.

No. 04-CV-11136-GAO

Defendants.

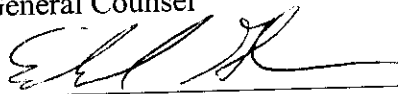
**SUPPLEMENTAL EVIDENCE IN SUPPORT OF PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING ORDER WITH APPOINTMENT OF TEMPORARY
RECEIVER, ASSET FREEZE AND ASSET RESTRICTION, RETENTION OF
RECORDS, EXPEDITED DISCOVERY AND ORDER TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION SHOULD NOT ISSUE AS TO DEFENDANTS DIRECT
MARKETING CONCEPTS, INC., ITV DIRECT, INC., DONALD BARRETT, HEALTH
SOLUTIONS, INC., HEALTHY SOLUTIONS, LLC, ALEJANDRO
GUERRERO, MICHAEL HOWELL AND GREG GEREMESZ**

Plaintiff submits the attached supplemental evidence in support of its motion for a temporary restraining order, asset freeze, appointment of a temporary receiver, and other equitable relief as to Defendants Direct Marketing Concepts, Inc. ("DMC"), ITV Direct, Inc., and Donald Barrett. Attached hereto as Exhibit H is the declaration of William G. Tarmey. Attached hereto as Exhibit I is the declaration of Gerald Solem.

The attached declarations, provided by a former DMC employee and an independent businessperson who transacted business with DMC and Donald Barrett, constitute further evidence of the need for the immediate relief requested in the Commission's motion. The declarations detail the diversion of money from DMC to Donald Barrett and Barrett's use of

DMC funds to cover personal expenses. The Commission's requested relief, including the appointment of a temporary receiver, an asset freeze, and a full accounting would prevent the further misuse and dissipation of company funds and preserve assets for potential future redress to consumers.

WILLIAM E. KOVACIC
General Counsel



DANIEL KAUFMAN
KIAL S. YOUNG (BBO # 633515)
EDWARD GLENNON
Federal Trade Commission
600 Pennsylvania Avenue, NW,
NJ-3212
Washington, DC 20580
(202) 326-2675, - 3525, -3126 (voice)
(202) 326-3259 (fax)
dkaufman@ftc.gov, kyoung@ftc.gov or
eglennon@ftc.gov

ATTORNEYS FOR PLAINTIFF

DATE: June 7, 2004